

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 42953
Docket No. MW-43713
18-3-NRAB-00003-160363**

The Third Division consisted of the regular members and in addition Referee Sean J. Rogers when the award was rendered.

**(Brotherhood of Maintenance of Way Employees Division –
(IBT Rail Conference**

PARTIES TO DISPUTE: (

(Dakota, Minnesota & Eastern Railroad Corporation

STATEMENT OF CLAIM:

- “(1) The Agreement was violated when the Carrier failed to provide Mr. J. Johnson lodging and meal allowance while working away from his assigned headquarters in Muscatine, Iowa on November 24, 25 and December 9, 2014 and continuing (System File G-1524D-301 DME).**
- (2) As a consequence of the violations referred to in Part (1) above, Claimant J. Johnson shall now receive fifty-six cents (.56) per mile for each of the ninety (90) miles round trip he was required to travel each day he was required to report to Washington, Iowa instead of his assigned headquarters in Muscatine, Iowa and compensated at his one and one-half (1.5) rate of pay for time traveled each day the Carrier failed to provide Claimant lodging.”**

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The Claimant, J. Johnson, has established and maintains seniority under the parties January 1, 2013 collective agreement in the maintenance of way craft or class as an Assistant Foreman.

On November 12, 2014, the Carrier awarded the Claimant an assistant section foreman position headquartered in his hometown Muscatine, Iowa.

On November 13, 2014 the Carrier released the Claimant to report to Muscatine. He performed his duties there until November 21, 2014. Then the Carrier told the Claimant to report instead to Washington, Iowa on November 24 and 25, 2014.

On December 1, 2014, the Carrier had the Claimant return to Muscatine, his headquarter point.

On December 9, 2014, the Carrier had the Claimant report to Washington until further notice.

The Claimant filed reimbursement of lodging and meal expenses under Rule 24 incurred when his commuting required him to stay away from his assigned headquarters point overnight. His reimbursement request was denied by Carrier Manager J. Manning.

The Organization asserts that the Carrier failed to pay the Claimant under Rule 24 for lodging and meal allowances and other expenses. The Organization asserts that he was required to commute home each day he was assigned away from his headquarters point. The Organization argues that he is entitled to reimbursement for mileage and travel time to-and-from his Muscatine residence and Washington, Iowa.

The Carrier asserts that the Organization's claim was not filed in accordance with Rule 33. The Carrier maintains that the claim was not submitted by the General Chairman. For this reason, the Carrier argues that the appeal cannot be considered

and is not a valid claim. Without wavering from this argument, the Carrier asserts as well that the claim is without merit for many other reasons.

The on-property-handling record supports the conclusion that the appeal was not submitted by the General Chairman as required by Rule 33. For this reason, the Board finds that the claim is not proper and the Board lacks jurisdiction to consider the appeal.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 14th day of February 2018.